

REMARKS

The Examiner has rejected claims 1, 9 and 10 under 35 USC 103(b).

The Examiner has indicated that US Patent No 5,671,599 to Ludaesher (hereinafter referred to as '599) discloses all the limitations of Claims 1, 9 and 10.

The Examiner has rejected claims 1-8 and 10 under 35 U.S.C. 102(e) as being anticipated by US Patent No 5,983,548 to Ludaesher (hereinafter referred to as '548).

The key differences between the invention claimed in amended claims 1 and 10 (and the claims dependent thereon), and the '599 and '548 documents relied upon are that in the invention:

- i) there are two hand-grips, one at the butt-end and one at the fore-end each gripped by a separate hand of an operator, whereas in '599 and '548 there is a single handgrip located at the butt-end gripped by both hands of an operator;
- ii) fluid release is achieved by closing a digit of the hand gripping hand-grip located under the fore-end into the palm of the said hand, whereas in '599 and '548 the fluid release trigger is operated by opening a digit of the hand away from the palm of the said hand and pushing forwards (in '548, see the fifth paragraph preceding the section entitled "Summary of the Invention).

The claims have been amended to introduce structural features required to achieve the desired functionality of the invention and to clarify the significant differences between the invention and the disclosures of '599 and '548.

Please note, in '548, the two paragraphs preceding the section entitled "Summary of the Invention" make clear that the '548 weapon shown in the Figures is used with both hands gripping the butt-end hand-grip. Similarly, in '599, column 3, lines 51 to 64 make clear that the weapon shown in the Figures is used with both hands gripping the butt-end hand grip. In both

'599 and '548 non-lethal fluid release is controlled by the same trigger finger that operates the bullet releasing trigger. Even where a device disclosed in '599 is used with a weapon such as a rifle or a shotgun, where both hands do not grip the same "butt-end hand-grip", release of non-lethal fluid is achieved by pressing a button in close proximity to the bullet releasing trigger and is released using the same trigger finger of the same hand (see '599 column 7, lines 18 to 29)

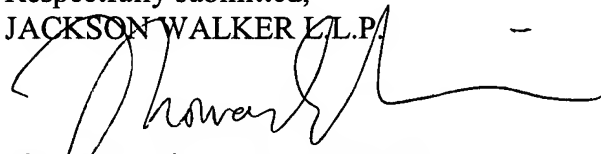
Conclusion

Whereas the key to the invention in '599 and '548 is "the trigger finger positioned outside of the trigger guard so that the one finger can operate either the lethal or non-lethal options provided by the weapon, the key to the present invention is the use of fingers of separate hands to operate respectively the weapon's non-lethal and lethal options, and to provide a structure that uses the natural movement and strength in digits of a humans' hands when a digit is moved inwards towards the palm as opposed to outwards away from the palm as in '599 and '548.

The Examiner is asked to reconsider the amended claims in light of the arguments presented in this response and issue a notice of allowance.

Respectfully submitted,

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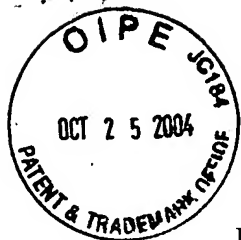
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